

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		5-23-2017	June 9, 2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
		Placer County	
3. PHONE NO.:		7. SUBJECT:	
		MCE and CalFresh OI's created by IEVS processing	
4. REGULATION CITE(S):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)	
MPP 63-301.6, .7, & .8; 63-503.212; 63-801.322		NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
		ACL 09-24, ACL 11-11, AC12-25, 12-25E, ACL 12-62, 12-62E, ACIN I-52-13, ACIN I-58-13, I-58-13E, ACL 13-17, ACL 13-32, ACL 13-108, ACL 14-56, 14-56E, ACL 15-95	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

We have 2 scenarios that we would like to put forward to CDSS.

1) Non-Elderly/Disabled household applies for CalFresh 1/1/2016, states no income, Pub 275 given and income is less than 200% FPL so MCE is conferred. CF is granted and certification period established. During an IEVS review of the 1st quarter (Jan-March) 2016 it is determined that the household had income over 200% of FPL from employment which began 1/03/2016 and 1st paycheck received 1/15/2016, which was not reported. This income continued into the 2nd quarter (April-June) 2016 with the employment ending June 9th, 2016. SAR 7 received timely and processed. Income was not reported, and not budgeted. CalFresh Recertification was completed in December 2016 and new certification period established 1/2017 through 12/2017.

Scenario 2 is on back.

10. REQUESTOR'S PROPOSED ANSWER:

- 1) When processing the OI, MCE would need to be removed as household income is over 200% for HH size, and then:
- a) OI would be established utilizing income received each month, based on actual circumstances and as if the household had reported the income timely. Household would have had until 1/25/16 to report this income, 10 day notice to client of CalFresh discontinuance, and the CalFresh case should have discontinued 2/28/2016. OI will be established for 3/2016, 4/2016, 5/2016 and 6/2016.
- b) OI would be established utilizing income received each month, based on actual circumstances and as if the household had reported the income timely. Household would have until 1/25/16 to report the income, 10 day notice to client of CalFresh discontinuance, and the CalFresh case should have discontinued 2/28/2016. Since the client was ineligible to CalFresh as the case was discontinued, the OI will cover the period of 3/2016 through 12/2016 (since the household was ineligible for aid and would have needed to re-apply for benefits).

11. STATE POLICY RESPONSE (CFPB USE ONLY):

For both scenarios, per MPP 801.312, if the household receives a larger allotment than it was entitled to receive, the CWD shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.

Scenario #1: In this scenario, when processing the OI, MCE would need to be removed as household income is over 200% for HH size. It was determined via an IEVS report that the client received gross monthly income over the IRT (i.e. 200% FPL). The client was required to report this income within 10 days of receiving the income, but failed to do so. Had the client reported at the end of the 10 days, it would have been January 25 which would not leave enough time for timely notice and no OI would have been established for January. Notice would have been sent February 1 and the CWD would adjust benefits for the following months.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
May 23, 2017	October 9, 2017 (WEB)

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		5/23/17	ASAP- Dave's Retiring
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		Placer County	
4. REGULATION CITE(S):		7. SUBJECT:	
MPP 63-301.6,.7, & .8; 63-503.212; 63-801.322		MCE and CalFresh OI's created by IEVS processing	
		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 09-24,ACL11-11,AC12-25,12-25E,ACL12-62,12-62E,ACIN I-52-13,ACIN I-58-13,I-58-13E,ACL13-17,ACL13-32,ACL13-108, ACL14-56,14-56E,ACL 15-95	

Scenario #2

2) Non-Elderly/Disabled household applies for CalFresh 1/1/2016, states no income (however available resources make hh ineligible for ES), Pub 275 given and income is less than 200% FPL so MCE is conferred. CF is granted and certification period established. During an IEVS review of the 4th quarter (Oct-Dec) 2015 it is determined that the household had income over 200% of FPL which was not reported. This income continued into the 1st quarter (Jan-March) 2016 with the employment ending April 9th, 2016. SAR 7 received timely and processed. Income was not reported, and not budgeted. CalFresh Recertification was completed in December 2016 and new certification period established 1/2017 through 12/2017.

Proposed answer for Scenario #2

When processing the OI, MCE would need to be removed as household income is over 200% for HH size, and then:

a) OI would be established utilizing income received each month, based on actual circumstances and as if the client had reported the income timely. Client was not eligible to benefits at application. OI will be established for 1/2016, 2/2016, 3/2016, and 4/2016.

b) OI would be established utilizing income received each month, based on actual circumstances and as if the household had reported the income timely. Client would have been ineligible to benefits and would have needed to reapply when the income ended in 4/2016. Since the household was ineligible to CalFresh at application, the OI will cover the period of 1/2016 through 12/2016 (since the household was ineligible for aid and would have needed to re-apply for benefits).

County is unsure whether OI should cover months where income is received or the certification period/SAR period, and also unsure when to re-confer MCE if proposed answers "a" are correct. When MCE is removed and case should have been discontinued, when is MCE conferred again? ACL 09-24 Q# 17 says that MCE status continues through a break in aid.

STATE POLICY RESPONSE (continued)

If the client had made the report of income over the IRT as required, the CWD would have determined continued eligibility and if ineligible, would have terminated the case. The household would have been eligible to reapply in July.

Therefore, when calculating the claim, the county shall establish the claim against the household equal to the difference between the allotment the household received and the allotment the household should have received for the months of February through June. For July through December, the SAR 7 would be treated as a reapplication and benefits would be calculated for that time period.

Scenario #2: In this scenario, when processing the OI, MCE would need to be removed as household income is over 200% for HH size. It was determined via an IEVS report, and later by the employer, that the client was receiving gross monthly income over the IRT (i.e. 200% FPL) before and during applying. The client was required to report this income when applying but did not. Had the county known about the household being over 200% FPL, the case would have been denied. Therefore, the entire benefit-period of January through April 2016 is an OI and the entire amount paid must be recouped.

The claimant could have reapplied in May; therefore, the period of May through December should be reevaluated for eligibility, and if found eligible, recalculated for those months based upon actual income.